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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
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2007 OCT 11 P 3: 32

AZ CORP COMMISSION
DOCKET CONTROL

HP INVESTMENT CORPORATION,

COMPLAINANT,

VS.

APPALOOSA WATER COMPANY,

RESPONDENT.

DOCKET NO. W-03443A-06-0713

Arizona Corporation Commission

DOCKETED

OCT 11 2007

DOCKETED BY

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PROCEDURAL ORDER

BY THE COMMISSION:

On November 7, 2006, HP Investment Corporation ("HP" or "Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Appaloosa Water Company ("Appaloosa" or "Respondent") for failure to comply with Commission Rules and Regulations.

On December 4, 2006, Appaloosa filed an Answer to the Complaint, Affirmative Defenses and Motion to Dismiss Complaint.

On December 11, 2006, HP filed its Response to Appaloosa's Motion to Dismiss.

On December 20, 2006, Appaloosa filed its Reply to Motion to Dismiss.

On December 26, 2006, by Procedural Order, a procedural conference was scheduled to commence on January 24, 2007.

On January 24, 2007, a procedural conference was held, and based on discussions during the conference, further deadlines needed to be set.

By Procedural Order, on February 8, 2007, the parties and Staff were directed to submit a joint proposed procedural schedule on or before February 26, 2007.

On February 23, 2007, HP and Appaloosa filed a Joint Proposed Procedural Schedule and stated among other things that, Staff had no objection to the procedural schedule.

1 On February 26, 2007, Staff filed a Response to the Joint Proposed Schedule indicating Staff
2 has no objections to the proposed schedule.

3 On March 9, 2007, by Procedural Order the pre-hearing conference in this matter.

4 On March 30, 2007, HP and Appaloosa filed a Joint Motion to Extend Deadline for Discovery
5 and the Filing of Direct Testimony and Staff Report.

6 On April 3, 2007, a pre-hearing conference was held. At the pre-hearing conference, the
7 parties stated that they believed they had reached a settlement on the issues in this matter and
8 requested that the hearing be continued for 60 days.

9 On April 5, 2007, by Procedural Order, the matter was scheduled to reconvene on June 4,
10 2007.

11 On June 4, 2007, the hearing was reconvened and the parties stated that had reached an
12 agreement on the Main Extension Agreement ("MXA").

13 On July 13, 2007, by Procedural Order, HP and Appaloosa were instructed to file a copy of
14 the fully executed MXA, and Notice that the MXA has been submitted to Staff for its review and
15 approval, on or before August 30, 2007.

16 On August 30, 2007, HP and Appaloosa filed a Joint Motion for Extension of Time
17 requesting that the deadline file the MXA be extended for a period of not less than sixty (60) days.
18 No objections have been filed by Staff.

19 Accordingly, HP and Appaloosa's joint request for an extension of time to file a copy of the
20 MXA in this matter should be granted.

21 IT IS THEREFORE ORDERED that the Joint Motion for Extension of Time is hereby
22 granted.

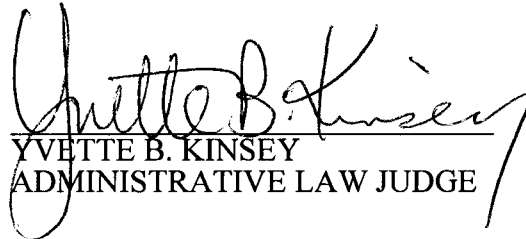
23 IT IS FURTHER ORDERED that HP and Appaloosa shall file with Docket Control on or
24 before December 31, 2007 a copy of the fully executed MXA, and Notice that the MXA has been
25 submitted to Staff for its review and approval.

26 IT IS FURTHER ORDERED that following Staff's approval of HP's and Appaloosa's
27 MXA, HP and Appaloosa shall file with Docket Control documentation requesting that the
28 Complaint in this matter be dismissed, within 30 days of such event.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
2 Communications) continues to apply to this proceeding.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
4 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

5 DATED this 11th day of October 2007.

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YVETTE B. KINSEY
ADMINISTRATIVE LAW JUDGE
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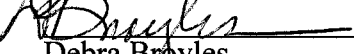
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12 Copies of the foregoing mailed/delivered
13 this 11th day of October, 2007 to:

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27 By: 
Debra Broyles
28 Secretary to Yvette B. Kinsey